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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 3rd March, 1975:—

BILL NO. V OF 1975

A Bill further to amend the Delhi University Act, 1922.

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Delhi University (Amendment) Act, 1975.

(*2*) It shall come into force on such date as the Central Government may, by notification, appoint.

8 of 1922.

Substitution of new section for section 2.

2. For section 2 of the Delhi University Act, 1922 (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

Definitions.

'2. In this Act, and in all Statutes and Ordinances made hereunder, unless the context otherwise requires,—

(*a*) "Academic Council" means the Academic Council of the University;

(*b*) "academic staff" means such categories of staff as are designated by the Statutes to be academic staff;

(c) "approved institution" means an institution of higher learning approved by the University;

(*d*) "approved teachers" means persons working in any approved institution or in any institution associated with the University and approved by the University for the purpose of imparting instructions, or conducting research, or both;

(*e*) "Board of Studies" means the Board of Studies of the University;

(*f*) "Campus" means a unit established or constituted by the University for making arrangements for instruction, or research, or both;

(*g*) "Chancellor", "Vice-Chancellor" and "Pro-Vice-Chancellor" means, respectively, the Chancellor, Vice-Chancellor and Pro-Vice-Chancellor of the University;

(*h*) "College" means an academic institution maintained or admitted by the University to its privileges, and includes an Affiliated College and a Constituent College.

Explanation I.—"Affiliated College" means an academic institution recognised by the University in accordance with the provisions of this Act and the Statutes, in which instruction is provided in accordance with the provisions of the Statutes and Ordinances up to the Bachelor's degree but exclusive of Honours and post-graduate degrees.

Explanation II.—"Constituent College" means an academic institution, not being an Affiliated College, recognised as such by the Executive Council in accordance with the provisions of this Act and the Statutes;

(*i*) "Court" means the Court of the University;

(*j*) "Department" means a Department of Studies;

(*k*) "employee" means any person appointed by the University, College or Institution, as the case may be;

(*l*) "Executive Council" means the Executive Council of the University;

(*m*) "Faculty" means the Faculty of the University;

(*n*) "Governing Body", in relation to a College or Institution, means the Governing Body or any other body (by whatever name called) charged with the management of the affairs of the College or Institution, as the case may be and recognised as such by the University;

(*o*) "Hall" means a unit of residence or of corporate life for the students of the University, College or Institution, provided, maintained or recognised by the University;

(*p*) "Institution" means an academic institution (other than a College), maintained by, or admitted to the privileges of, the University;

(*q*) "minority College or Institution" means a College or Institution established and administered by a minority, referred to in clause (1) of article 30 of the Constitution;

(*r*) "misconduct" means a misconduct prescribed by the Statutes;

(*s*) "notification" means a notification published in the Official Gazette;

(*t*) "notified order" means an order made by notification;

(*u*) "Principal" means the head of a College or an Institution, and includes, where there is no Principal, the person who is for the time being duly appointed to act as the Principal, and, in the absence of the Principal or the acting Principal, a Vice-Principal, duly appointed as such;

(*v*) "Statutes", "Ordinances" and "Regulations" means, respectively, the Statutes, Ordinances and Regulations, of the University for the time being in force;

(*w*) "teacher" includes Professor, Reader, Lecturer and other person imparting instruction in the University or in any Campus, College, Institution or Hall;

(*x*) "teacher of the University" means a person appointed or recognised by the University for the purpose of imparting instruction or conducting research in the University, or in any Campus, College, Institution or Hall;

(*y*) "University" means the University of Delhi.'.

Substitution of new section for section 4

3. For section 4 of the principal Act, the following section shall be substituted, namely:—

Powers of the University.

"4. The University shall have the following powers, namely:—

(*1*) to provide for instruction in such branches of learning as the University may, from time to time, determine and to make provision for research and for the advancement and dissemination of knowledge;

(*2*) to grant, subject to such conditions as the University may determine, diplomas or certificates to, and confer degrees and other academic distinctions (on the basis of examinations, evaluation or any other method of testing) on, persons and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;

(*3*) to confer honorary degrees or other distinctions in the manner prescribed by the Statutes;

(*4*) to organise and to undertake extra-mural studies and extension services;

(*5*) to provide instruction, through correspondence courses to such persons, whether residing within the Union territory of Delhi or outside such territory, as are not members of the University, as it may determine;

(*6*) to institute Principalships, Professorships, Readerships, Lecturerships, and other teaching or academic posts required by the University and to appoint persons to such Principalships, Professorships, Readerships, Lecturerships or other posts;

(7) to appoint or recognise persons as Professors, Readers, or Lecturers or otherwise as teachers of the University;

(8) to provide for the terms and conditions of service of—

(*i*) teachers and other members of the academic staff appointed by the University;

(*ii*) teachers and other members of the academic staff appointed by any College or Institution;

(*iii*) other employees whether appointed by the University or any College or Institution;

(9) to appoint persons working in any other University or organisation as teachers of the University for a specified period;

(*10*) to create administrative, ministerial and other posts in the University and to make appointments thereto;

(*11*) to co-operate or collaborate or associate with any other University, authority or institution of higher learning in such manner and for such purpose as the University may determine;

(*12*) to approve persons working in any institution co-operating, collaborating or associating with the University, for imparting instruction or supervising research, or both, and to withdraw such approval;

(*13*) to approve an Institution of higher learning for such purposes as the University may determine and to withdraw such approval; to approve persons working in any approved Institution for imparting instruction or supervising research, or both, and to withdraw such approval;

(*14*) to establish such Campuses, special centres, specialised laboratories or other units for research and instruction as are, in the opinion of the University, necessary for the furtherance of its objects;

(*15*) to declare a Campus as an autonomous unit and the extent of the autonomy, and the matters in relation to which it may exercise autonomy;

(*16*) to declare, with the consent of the Colleges concerned, in the manner specified by the Academic Council, Colleges conducting courses of study in the Faculties of Medicine, Technology, Music or Fine Arts, as autonomous Colleges, and the extent of the autonomy, and the matters in relation to which it may exercise such autonomy;

(*17*) to establish and maintain Colleges, Institutions and Halls;

(*18*) to admit to its privileges Colleges and Institutions, not maintained by the University, in accordance with such conditions as may be prescribed by the Statutes; to withdraw all or any of these privilege; to recognise Halls not maintained by the University; and to withdraw any such recognition;

(*19*) to make provision for research and advisory services; and, for that purpose, to enter into such arrangements with other Institutions or bodies as the University may deem necessary;

(*20*) to take steps for the taking over, in the public interest, of the management of any College or Institution;

(*21*) to determine standards for admission to the University, which may include examination, evaluation or any other method of testing;

(*22*) to institute and award fellowships, scholarships, studentships, medals and prizes;

(*23*) to demand and receive payment of fees and other charges;

(*24*) to supervise the residences of the students of the University and to make arrangements for promoting their health and general welfare;

(*25*) to make such special arrangements in respect of women students as the University may consider desirable;

(*26*) to regulate the conduct of the students of the University, and of Colleges and Institutions;

(*27*) to regulate the conduct and duties of the employees of the University and of employees of Colleges and Institutions;

(*28*) to regulate and enforce discipline among the employees and students of the University and take such disciplinary measures in this regard as may be deemed necessary;

(*29*) to regulate and enforce discipline among the employees and students of Colleges and Institutions and to provide for such disciplinary measures in this regard as may be deemed necessary;

(*30*) to make arrangements for promoting the health and general welfare of the employees of the University and employees of Colleges and Institutions;

(*31*) to receive benefactions, donations and gifts; and to acquire, hold, manage and dispose of any property, movable or immovable, including trust and endowment properties, for the purposes of the University;

(*32*) to borrow, with the approval of the Central Government, on the security of the property of the University, money for the purposes of the University;

(*33*) to do all such other acts and things as may be necessary or incidental to the exercise of all or any of the powers of the University or necessary or conducive to the attainment of all or any of the objects of the University.".

Amendment of section 5.

4. In section 5 of the principal Act, in sub-section (*1*),—

(*a*) the brackets, words, letter and figures "(other than those conferred by sub-clause (*d*) of clause (*2*) of section 4)" shall be omitted;

(*b*) the words "associated with or" shall be omitted.

Amendment of section 6.

5. In section 6 of the principal Act, after the proviso, the following proviso shall be inserted, namely:—

"Provided further that nothing in this section shall be deemed to prevent the University from making special provisions for the admission of students of weaker sections of the people and, in particular; of the Scheduled Castes and the Scheduled Tribes.".

Amendment of section 7.

6. In section 7 of the principal Act,—

(*a*) in sub-section (*1*), for the words "any syllabus prescribed by the Regulations", the words "the directions given by the Academic Council from time to time" shall be substituted;

(*b*) in sub-section (*4*), the words "and curricula", and "and, subject thereto, by the Regulations" shall be omitted.

Substitution of new section for section 7A.

7. For section 7A of the principal Act, the following section shall be substituted, namely:—

Visitor.

"7A. (*1*) The President of India shall be the Visitor of the University.

(*2*) The Visitor shall have the right to cause an inspection, to be made by such person or persons as he may direct, of the University, its buildings, laboratories and equipment, and of any College or Institution, and also of the examination, teaching and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration or finances of the University, College or Institution

(*3*) The Visitor shall, in every case, give notice of his intention to cause an inspection or inquiry to be made—

(*a*) to the University, if such inspection or inquiry is to be made in respect of the University, College or Institution maintained by the University, or

(*b*) to the Governing Body of the College or Institution, through the Vice-Chancellor, if the inspection or inquiry is to be made in respect of a College or an Institution, not maintained by the University,

and the University or the Governing Body, as the case may be, shall, on receipt of such notice, have the right to make such representations to the Visitor, as it may consider necessary.

(*4*) After considering the representations, if any, made by the University or the Governing Body, as the case may be, the Visitor may cause to be made such inspection or inquiry as is referred to in sub-section (*2*).

(*5*) Where any inspection or inquiry has been caused to be made by the Visitor, the University or the Governing Body, as the case may be, shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or inquiry.

(*6*) The Visitor may, if the inspection or inquiry is made in respect of the University or any College or Institution maintained by it, address the Vice-Chancellor with reference to the result of such inspection or inquiry, and the Vice-Chancellor shall communicate to the Executive Council the views of the Visitor with such advice as the Visitor may be pleased to offer upon the action to be taken thereon.

(*7*) The Visitor may, if the inspection or inquiry is made in respect of any College or Institution not maintained by the University, address the Governing Body concerned through the Vice-Chancellor with reference to the result of such inspection or inquiry, his views thereon and such advice as he may offer upon the action to be taken thereon.

(*8*) The Executive Council or the Governing Body, as the case may be, shall communicate through the Vice-Chancellor to the Visitor such action, if any, as it proposes to take or has been taken by it upon the result of such inspection or inquiry.

(*9*) Where the Executive Council or the Governing Body does not, within a reasonable time, take action to the satisfaction of the Visitor, the Visitor may, after considering any explanation furnished or representation made by the Executive Council or the Governing Body, issue such directions as he may think fit and the Executive Council or the Governing Body, as the case may be, shall comply with such directions.

(*10*) Without prejudice to the foregoing provisions of this section the Visitor may, by order in writing, annul any proceeding of the University which is not in conformity with this Act, the Statutes or Ordinances:

Provided that, before making any such order, he shall call upon the University to show cause why such an order shall not be made, and, if any cause is shown within a reasonable time, he shall consider the same.

(*11*) The Visitor shall have such other powers as may be prescribed by the Statutes.".

Amendment of section 7B.

8. In section 7B of the principal Act,—

(*a*) for the words "The Chief Commissioner", the words "The Administrator" shall be substituted;

(*b*) sub-section (*2*) shall be omitted.

Substitution of new section for section 8.

9. For section 8 of the principal Act, the following section shall be substituted, namely:—

Officers of the University.

"8. The following shall be officers of the University, namely:—

(*1*) the Chancellor,

(*2*) the Vice-Chancellor;

(*3*) the Pro-Vice-Chancellor;

(*4*) the Director of a Campus or the Directors of Campuses, if more than one Campus is established;

(5) the Dean of Colleges;

(6) the Deans of Faculties;

(7) the Registrar;

(8) the Finance Officer; and

(9) such other officers as may be declared by the Statutes to be officers of the University.".

Omission of section 16.

10. Section 16 of the principal Act shall be omitted.

Insertion of new sections 16A to 16I.

11. After section 16 of the principal Act (as it stood before its omission), the following sections shall be inserted, namely:—

The Chancellor.

"16A. (1) The Vice-President of India shall be the Chancellor of the University.

(2) The Chancellor shall, by virtue of his office, be the Head of the University and shall, if present, preside over the convocations of the University held for conferring degrees.

The Vice-Chancellar.

16B. (1) The Vice-Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University, and shall exercise general supervision and control over the academic affairs of the University and all Colleges and Institutions and give effect to the decisions of all the authorities of the University.

(3) The Vice-Chancellor may, if he is of opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority the action taken by him on such matter:

Provided that, if the authority concerned is of opinion that such action ought not to have been taken, it may refer the matter to the Visitor whose decision thereon shall be final:

Provided further that any employee of the University, who is aggrieved by the action taken by the Vice-Chancellor under this subsection, shall have the right to appeal against such action to the Executive Council within three months from the date on which such action is communicated to him and thereupon the Executive Council may confirm, modify or reverse the action taken by the Vice-Chancellor.

(4) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or as may be prescribed by the Ordinances.

The Pro-Vice-Chancellor.

16C. The Pro-Vice-Chancellor shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

16D. Every Director of a Campus shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes. The Director of a Campus.

16E. The Dean of Colleges shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes. The Dean of Colleges.

16F. The Dean of each Faculty shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes. The Deans of Faculties.

16G. (*1*) The Registrar shall be appointed in such manner as may be prescribed by the Statutes. The Registrar.

(*2*) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University and shall exercise such other powers and perform such other duties as may be prescribed by the Statutes.

16H. The Finance Officer shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes. The Finance Officer.

16-I. The manner of appointment, and power and duties, of other officers of the University shall be such as may be prescribed by the Statutes.". Other Officers.

12. For section 18 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 18.

"18. (*1*) The constitution of the Court and the term of office of its members shall be such as may be prescribed by the Statutes. The Court.

(*2*) Subject to the provisions of this Act, the Court shall have the following powers and functions, namely:—

(*a*) to review, from time to time, the broad policies and programmes of the University and to suggest measures for the improvement and development of the University;

(*b*) to consider and pass resolutions on the annual report and the annual accounts of the University and the report of its auditors on such accounts;

(*c*) to advise the Visitor in respect of any matter which may be referred to it for advice; and

(*d*) to perform such other functions as may be prescribed by the Statutes.".

13. For section 21 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 21.

"21. (*1*) The Executive Council shall be the principal executive body of the University. The Executive Council.

(*2*) The constitution of the Executive Council, the term of office of its members and its powers and functions shall be such as may be prescribed by the Statutes.".

Substitution of new section for section 23.

14. For section 23 of the principal Act, the following section shall be substituted, namely:—

The Academic Council.

"23. (*1*) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and Ordinances, have the control and regulation of, and be responsible for, the maintenance of standards of instruction, education and examination within, the University and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes.

(*2*) The Academic Council shall have the right to advise the Executive Council on all academic matters.

(*3*) The constitution of the Academic Council and the term of office of its members shall be such as may be prescribed by the Statutes.".

Substitution of new section for section 25.

15. For section 25 of the principal Act, the following section shall be substituted, namely:—

powers and duties of other authorities of the University.

"25. The constitution, powers and functions of Finance Committee, Faculties and of other authorities of the University, shall be such as may be prescribed by the Statutes.".

Substitution of new section for section 28.

16. For the Heading and section 28 of the principal Act, the following Heading and section shall be substituted, namely, —

"STATUTES, ORDINANCES AND REGULATIONS

Statutes.

28. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

(*a*) the constitution, powers and functions of the authorities and other bodies of the University, as may be necessary to be constituted from time to time;

(*b*) the election and continuance in office of the members of the said authorities and bodies, the filling up of vacancies of members and all other matters relating to those authorities and other bodies for which it may be necessary or desirable to provide;

(*c*) the appointment, powers and duties of the officers of the University and their emoluments;

(*d*) the appointment of teachers of the University and other academic staff and their emoluments;

(*e*) the appointment of teachers and other academic staff working in any other University or organisation for a specified period for undertaking a joint project;

(*f*) the terms and conditions of service of the—

(*i*) teachers and other members of the academic staff appointed by the University;

(*ii*) teachers and other members of the academic staff appointed by any College or Institution;

(*iii*) other employees whether appointed by the University or any College or Institution;

(*g*) the constitution of a pension or provident fund and the establishment of an insurance scheme for the benefit of the employees of the University and employees of Colleges and Institutions;

(*h*) the principles governing the seniority of employees of the University, Colleges and Institutions;

(*i*) the procedure for any appeal by an employee or student of the University;

(*j*) the procedure for the settlement of disputes between employees and the University, or students of the University and the University;

(*k*) the procedure for the settlement of disputes between employees, or students, of a College, or an Institution, and its Governing Body;

(*l*) the procedure for any appeal by an employee or student of a College or an Institution;

(*m*) the conferment of honorary degrees;

(*n*) the withdrawal of degrees, diplomas, certificates and other academic distinctions;

(*o*) the institution of fellowships, scholarships, studentships, medals and prizes;

(*p*) the maintenance of discipline among the students of the University, Colleges and Institutions;

(*q*) the maintenance of discipline among the employees of the University, and employees of Colleges and Institutions;

(*r*) the establishment and abolition of Faculties, Departments, Halls, Coleges a ndInstitutions;

(*s*) the conditions under which Colleges and Institutions may be admitted to the privileges of the University and withdrawal of such privileges;

(*t*) the management, supervision and inspection of Colleges and Institutions established and maintained by the University;

(*u*) the constitution of the Governing Bodies of Colleges and Institutions admitted to the privileges of the University and the supervision and inspection of such Coleges and Institutions;

(*v*) the regulation of the conduct and duties of the employees of the University and of all Coleges and Institutions, and regulation of the conduct of the students of the University and of Colleges and Institutions;

(*w*) the establishment of Campuses, special centres, specialised laboratories or other units for research and instruction;

(*x*) the extent of the autonomy which a Campus or College, declared as an autonomous Campus or College under clause (*15*) or clause (*16*) of section 4, may have and the matters in relation to which such autonomy may be exercised;

(*y*) the delegation of powers vested in the authorities or officers of the University;

(*z*) the categories of misconduct for which any action may be taken under this Act or the Statutes or Ordinances;

(*za*) all other matters which, by this Act, are to be, or may be, provided for by the Statutes.".

Amendment of section 29.

17. In section 29 of the principal Act,—

(*a*) for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) On the commencement of the Delhi University (Amendment) Act, 1975, the Statutes in force immediately before such commencement shall, to the extent they are not inconsistent with the provisions of this Act, as amended by the Delhi University (Amendment) Act, 1975, be the Statutes of the University.";

(*b*) in the second proviso to sub-section (*2*),—

(*i*) in clause (*vii*), for the words "a College", the words "a College or Campus" shall be substituted;

(*ii*) for clause (*viii*), the following clause shall be substituted, namely:—

"(*viii*) the terms and conditions of service of—

(*a*) teachers and other members of the academic staff appointed by the University;

(*b*) teachers and other members of the academic staff appointed by any College or Institution;";

(*iii*) after clause (*ix*), the following clause shall be inserted, namely:—

"(*x*) the maintenance of discipline among the students of the University, Colleges and Institutions.".

Amendment of section 30.

18. In section 30 of the principal Act,—

(*a*) clauses (*g*), (*k*), (*l*) and (*m*) shall be omitted;

(*b*) for clause (*n*), the following clauses shall be substituted, namely:—

"(*n*) the terms and conditions of service of employees of the University and employees of Colleges and Institutions other than those prescribed by the Statutes;

(*o*) the terms and conditions of the approval of institutions of higher learning and its withdrawal;

(*p*) the manner of co-operation or collaboration or association with other Universities, authorities or institutions of higher learning;

(*q*) the terms and conditions on which persons working in an approved institution, or in any institution, co-operating, collaborating or associating with the University, may be approved as teachers and for withdrawing such approval;

(*r*) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;

(*s*) all other matters which, by this Act or the Statutes, are to be, or may be, provided for by the Ordinances.".

Substitution of new section for section 31.

19. For section 31 of the principal Act, the following section shall be substituted, namely:—

Ordinances how made.

"31. (*1*) The Ordinances of the University, as in force immediately before the commencement of the Delhi University (Amendment) Act, 1975, may be amended, repealed or added to, at any time by the Executive Council:

Provided that no Ordinance shall be made in respect of matters enumerated in section 30, other than those enumerated in clauses (*n*), (*q*) and (*s*) of that section, unless a draft of such Ordinance has been proposed by the Academic Council.

(*2*) The Executive Council shall not have power to amend any draft proposed by the Academic Council under the provisions of sub-section (*1*) but may reject the proposal or return the draft to the Academic Council for consideration, either in whole or in part, together with any amendments which the Executive Council may suggest.

(*3*) Where the Executive Council has rejected or returned the draft of an Ordinance proposed by the Academic Council, the Academic Council may consider the question afresh and in case the original draft is re-affirmed by a majority of not less than one-half of the membership of the Academic Council and by a majority of not less than two-thirds of the members of the Academic Council present and voting, the draft may be sent back to the Executive Council which shall either adopt it or refer it to the Visitor whose decision thereon shall be final.

(*4*) Every Ordinance made by the Executive Council shall come into effect immediately.

(*5*) Every Ordinance made by the Executive Council shall be submitted to the Visitor within two weeks and the Visitor shall have the power to direct the University, within four weeks from the date of receipt of the Ordinance, to suspend the operation of any such Ordinance and he shall, as soon as possible, inform the Executive Council about his objection to the proposed Ordinance.

(*6*) The Visitor may, after receiving the comments of the University, either withdraw the order suspending the Ordinance or disallow the Ordinance, and his decision thereon shall be final.".

Amendment of section 32.

20. In section 32 of the principal Act, the proviso to sub-section (*3*) shall be omitted.

Omission of section 33.

21. Section 33 of the principal Act shall be omitted.

Insertion of new sections 35A to 35V.

22. After section 35 of the principal Act, the following Headings and sections shall be inserted, namely:—

"TAKING OVER THE MANAGEMENT OF COLLEGES AND INSTITUTIONS

Power of Executive Council to recommend the taking over of the

35A. (*1*) Whenever the Executive Council is satisfied that the Governing Body of any College or Institution—

(*a*) has neglected to perform any of the functions imposed on it by or under this Act or the Statutes or Ordinances; or

(*b*) has failed to abide by the directions given by the Vice-Chancellor or the Executive Council, as the case may be, under this Act or the Statutes or Ordinances; or

management of a College or Institution.

(c) has failed to give effect to any decision given by the Tribunal of Arbitration constituted under section 35T; or

(d) has managed the affairs of the College or Institution in a manner likely to cause serious injury or damage to the interests of the College or Institution or its students,

and that with a view to maintaining the excellence of the College or Institution as a vehicle for higher education of the persons who resort to it, it is expedient in the public interest that the management of such College or Institution should be taken over by the Central Government, for a limited period, that Council may recommend to the Central Government, after giving to the Governing Body of such College or Institution a reasonable opportunity of showing cause against the proposed action, that the management of such College or Institution and its properties and assets be taken over by that Government for a limited period.

Power of Central Government to take over the management of a College or Institution for a limited period.

(2) Where any trust or society or other association of individuals running a College or Institution, by a resolution, requests the Executive Council that the management of such College or Institution be taken over by the Central Government, that Council may, if it is satisfied that, with a view to maintaining the excellence of the College or Institution as a vehicle for higher education of the persons who resort to it, it is necessary so to do, recommend to the Central Government that it may take over, by a notified order, the management of such College or Institution and its properties and assets.

35B. (1) Whenever any recommendation referred to in sub-section (1), or sub-section (2), of section 35A is made to the Central Government, that Government may, by a notified order, take over the management of the concerned College or Institution if it is satisfied that it is necessary so to do in the public interest.

(2) Any notified order made under sub-section (1) shall have effect for such period, not exceeding three years, as may be specified therein:

Provided that, if the Central Government is of opinion, after taking into account the recommendations of the Executive Council, that it is expedient in the public interest that any such notified order should continue to have effect after the expiry of the period of three years aforesaid, it may, from time to time, issue directions for such continuance for such period, not exceeding one year at a time, as may be specified in the direction; so, however, that the total period of such continuance (including the period of three years aforesaid) shall not exceed five years, and, where any such direction is issued, a copy thereof shall be laid, as soon as may be, before both Houses of Parliament.

Power of Central Government to authorise any person or body of persons to carry on the management of a College or Institution.

35C. Where the management of any College or Institution has been taken over by the Central Government under section 35B, that Government may authorise any person or body of persons to carry on the management of such College or Institution on its behalf and the person or body of persons so authorised shall carry on the management of the College or Institution subject to the direction, superintendence and control of the Central Government.

Obligation of the trust, etc., to pay its share of the expenditure to the Central Government.

35D. Where the management of any College or Institution has been taken over by the Central Government, the trust, society or other association of individuals by which such College or Institution was being run before the management of such College or Institution was taken over, shall pay annually to the Central Government the share of the expenditure of such College or Institution which such trust, society or association would have had to meet if the management of such College or Institution had not been taken over by the Central Government, and, if any default is made in such payment, the amount due may be recovered by the Central Government as an arrear of land revenue.

Effect of notified order.

35E. On the issue of a notified order under section 35B authorising the taking over of the management of any College or Institution,—

(*a*) all members of the Governing Body, other than the Principal, of the College or Institution shall be deemed to have vacated their offices as such;

(*b*) any contract for the management of the College or Institution entered into, before the date of issue of the notified order, by or between the trust or society or other association of individuals by which the College or Institution is established or run and any other person shall be deemed to have terminated;

(*c*) the Central Government or the person or body of persons authorised by it under section 35C shall take all such steps as may be necessary to take into its or their custody or control all the properties, effects and actionable claims to which the College or Institution is, or appears to be, entitled and all the property and effects of the College or Institution shall be deemed to be in the custody or control of the Central Government or the person or body of persons, as the case may be, as from the date of the notified order;

(*d*) every person in charge, immediately before the date of issue of the notified order, of any property, whether movable or immovable, cash balances, documents of title or any other asset pertaining to such College or Institution shall forthwith deliver possession of such property, any such documents of title, cash balances and other assets to the person or body of persons authorised by the Central Government under section 35C.

Advisory Council for College or Institution.

35F. (1) There shall be an Advisory Council to aid and advise the Central Government or the persons or body of persons authorised under section 35C on all matters relating to every College or Institution the management of which has been taken over under section 35B.

(2) The Advisory Council shall consist of—

(a) a person, to be nominated by the Central Government, who shall be the Chairman;

(b) three persons to be nominated by the Executive Council; and

(c) three persons to be nominated by the University Grants Commission constituted under the University Grants Commission Act, 1956. 3 of 1956.

Contracts and agreements to continue to be in force unless rescinded or modified by the Central Government.

35G. Every lawful contract or agreement, entered into by or on behalf of any College or Institution and in force immediately before the date on which the management of such College or Institution is taken over by the Central Government, shall continue to be in force unless such contract or agreement is rescinded or modified in writing by the Central Government:

Provided that no such contract or agreement shall be rescinded or modified—

(a) after the expiry of one hundred and eighty days from the date on which the management of the College or Institution was taken over;

(b) unless the Central Government is satisfied that such contract or agreement is unduly onerous or has been entered into in bad faith or is detrimental to the interests of the College or Institution; and

(c) except after giving to the parties to the contract or agreement a reasonable opportunity of being heard and except after recording in writing the reasons for the rescission or modification of the contract or agreement.

No right to compensation for termination of a contract or agreement, etc.

35H. Notwithstanding anything contained in any other law for the time being in force, no person who ceases to hold any office, or whose contract of management stands terminated, by reason of the provisions of section 35E, or whose contract is terminated under section 35G, shall be entitled to any compensation for the loss of office or for the variation or premature termination of the contract or agreement:

Provided that nothing contained in this section shall affect the right of any such person to recover, from the society or trust or other association of individuals by which the College or Institution is established or run, monies recoverable otherwise than by way of such compensation.

Effect of take-over on the existing Governing Body.

25I. Where the management of any College or Institution has been taken over under section 35B, then, notwithstanding anything contained in the memorandum or rules and regulations of the society or trust or other association of individuals by which such College or Institution is established or run,—

(*a*) it shall not be lawful for the members of such society, trust or other association of individuals to nominate or appoint any person as a member of the Governing Body of the College or Institution;

(*b*) no resolution passed at any meeting of the members of the society, trust or other association of individuals shall be given effect to unless approved by the Central Government;

(*c*) no proceeding for the dissolution of the society, trust or other association of individuals or for the appointment of a receiver in respect of the College or Institution shall lie in any court except with the consent of the Central Government.

Cancellation of notified order.

35J. If at any time it appears to the Central Government that the purpose of the notified order under section 35B has been fulfilled or that for any other reason it is not necessary that the order should remain in force, it may, by a further notified order, cancel such order, and on the cancellation of any such order, the management of the College or Institution, as the case may be, shall vest in the Governing Body of the trust or society or other association of individuals by which such College or Institution was being run before the management thereof was taken over under section 35B and thereupon such trust, society or other association of individuals shall constitute the Governing Body of such College or Institution, in accordance with the Statutes.

Properties and income therefrom how to be applied.

35K. The properties of the College or Institution, the management of which is taken over under section 35B, and any income from such property of the College or Institution shall be continued to be applied for the purposes of the College or Institution in accordance with the enactment or instrument by or under which such College or Institution has been established.

PROHIBITION AGAINST CLOSURE OF COLLEGES AND INSTITUTIONS WITHOUT NOTICE

College or Institution not to be closed down without notice to the Executive Council.

35L. No College or Institution shall be closed down, no teaching of a subject shall be stopped and no course of study shall be stopped before the completion of such course of study, except after giving to the Executive Council a notice in writing about such closure or stoppage, as the case may be, and the period of such notice shall not be less than the duration of the academic year or the course of study, as the case may be.

Explanation.—In this section, closure of a College or Institution does not include closure for vacation or on holidays or under directions of the University.

PENALTIES

Offences and penalties.

35M. (*1*) Any person who—

(*a*) having in his possession, custody or control any property of the College or Institution, the management of which has been taken over under section 35B, wrongfully withholds such property from the Central Government or any person or body of persons authorised by it in this behalf, or

(*b*) wrongfully obtains possession of any property of such College or Institution, or

(*c*) wilfully withholds or fails to furnish to the Central Government or the person or body of persons authorised by it any books, cash balances or other documents which may be in his possession, custody or control, or

(*d*) closes down any College or Institution or stops teaching of any subject or stops any course of study without complying with the provisions of section 35L,

shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine, or with both:

Provided that the court trying an offence under this sub-section may, at the time of convicting the accused person, order him to deliver up or refund, within the time to be fixed by the court, any property or cash balances, wrongfully withheld or wrongfully obtained or any books, documents or other assets wilfully withheld by him.

(*2*) No court shall take cognizance of any offence under sub-section (*1*) except with the previous sanction of the Central Government.

OVERRIDING EFFECT OF SECTIONS 35A TO 35M

Sections 35A to 35M to have overriding effect.

35N. The provisions of sections 35A to 35M (both inclusive) shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or instrument having effect by virtue of any enactment other than this Act.

PROVISIONS WHICH SHALL NOT APPLY TO A MINORITY COLLEGE OR INSTITUTION

Sections 35A to 35K not to apply to minority Colleges or Institutions.

35O. Nothing contained in sections 35A to 35K (both inclusive) shall apply to a minority College or Institution.

TERMS AND CONDITIONS OF SERVICE OF TEACHERS AND OTHER MEMBERS OF ACADEMIC STAFF

Employees of University, College or Institution to be appointed under a written contract.

35P. (*1*) On and from the commencement of the Delhi University (Amendment) Act, 1975, no salaried employee of the University or any College or Institution shall be appointed to a permanent post, except under a written contract, and such contract shall not be inconsistent with the provisions of this Act and the Statutes and Ordinances.

(*2*) The original contract shall be lodged with the University or, as the case may be the College or Institution and a copy thereof shall be furnished to the employee concerned.

(*3*) In the case of an employee appointed by the University or, as the case may be, by any College or Institution before the commencement of the Delhi University (Amendment) Act, 1975, the contract, if any, in force immediately before such commencement shall, to the extent of any inconsistency with the provisions of this Act or the Statutes or Ordinances, be deemed to have been modified by the said provisions, and where there is no such contract, a written contract shall be executed by and between such employee

and the University, College or Institution, as the case may be, within a period of six months from the commencement of the Delhi University (Amendment) Act, 1975.

Power to suspend a teacher or other member of the academic staff.

35Q. (1) A teacher or other member of the academic staff appointed by the University or by any College or Institution may be suspended, by an order in writing, for such misconduct as may be prescribed by the Statutes.

(2) No authority inferior to the respective authority specified in this sub-section shall be competent to make any order for suspension, namely:—

(a) in the case of a teacher or other member of the academic staff appointed by the University, the Vice-Chancellor;

(b) in the case of the Principal or teacher or other member of the academic staff appointed by a College or Institution, the Governing Body of such College or Institution.

(3) Where any order of suspension is made, the circumstances in which such order has been made shall be reported forthwith to the—

(a) Executive Council, in the case of an order of suspension made by the Vice-Chancellor;

(b) Vice-Chancellor, in the case of an order of suspension made by the Governing Body.

(4) Where an order of suspension has been made by—

(a) the Vice-Chancellor, the Executive Council, or

(b) the Governing Body, the Vice-Chancellor,

may within fifteen days from the date of receipt of the report referred to in sub-section (3), revoke the same if it or he is of opinion that the circumstances of the case do, not warrant the suspension.

(5) Any person aggrieved by an order of suspension, which has not been revoked under sub-section (4), may prefer an appeal within thirty days from the date on which such order is communicated to him, to—

(a) the Executive Council, in the case of an order of suspension made by the Vice-Chancellor in relation to a teacher or other member of the academic staff appointed by the University;

(b) the Vice-Chancellor, in the case of an order of suspension made by the Governing Body in relation to a Principal, teacher or other member of the academic staff appointed by a College or Institution.

(6) The respective appellate authorities, specified in sub-section (5), may confirm, modify, vary or reverse the order appealed against.

(7) Nothing contained in sub-sections (4) and (5) shall apply to any order of suspension in relation to the Principal, teacher or other member of the academic staff appointed by a minority College or Institution.

Authorities by whom order for the dismissal or removal from service may be made.

35R. (*1*) (*a*) No teacher or other member of the academic staff appointed by the University shall be dismissed or removed from service or punished in any other manner by any authority other than the Executive Council;

(*b*) no Principal or teacher or other member of the academic staff appointed by any College or Institution shall be dismissed or removed from service or punished in any other manner by any authority other than the Governing Body of such College or Institution; and

(*c*) no such dismissal or removal from service shall be made except in accordance with the provisions of section 35S.

Explanation.—"Suspension" is not a punishment within the meaning of this section and of section 35S.

(*2*) (*a*) In the case of a teacher or other member of the academic staff appointed by the University, the Executive Council, or

(*b*) in the case of a teacher or other member of the academic staff appointed by a College or Institution, the Governing Body,

shall be entitled to dismiss or remove from service, without holding any such inquiry as is referred to in section 35S, a teacher or other member of the academic staff—

(*A*) (*i*) if he is of unsound mind or is a deaf-mute or suffers from contagious leprosy; or

(*ii*) if he is an undischarged insolvent; or

(*iii*) if he has been convicted by a court of law of an offence involving moral turpitude; or

(*iv*) if he is otherwise guilty of misconduct specified in the Statutes; or

(*B*) by giving him, for good and sufficient cause, three months' notice in writing or on payment to him of three months' salary in lieu of such notice.

(*3*) The dismissal or removal from service of, or any other punishment imposed on, a teacher or other member of the academic staff appointed by the University or any College or Institution shall take effect from the date on which the order of dismissal or removal from service is made or the other punishment is imposed:

Provided that, where the teacher or other member of the academic staff is under suspension at the time when the order for his removal or dismissal from service is made or other punishment is imposed, such order shall take effect from the date on which he was placed under suspension.

(*4*) Notwithstanding the terms of the contract between the University or any College or Institution and a teacher or other member of the academic staff appointed by the University or the College or

Institution, as the case may be, such teacher or other member of the academic staff may resign from his office,—

(*a*) by giving, where he is permanent, three months' notice in writing to the—

(*i*) Executive Council, if he is a teacher or other member of the academic staff appointed by the University, or

(*ii*) Governing Body, if he is a teacher or other member of the academic staff appointed by a College or Institution, or

(*b*) by paying, where he is permanent, to the University or the Governing Body, as the case may be, three months' salary in lieu of such notice; or

(*c*) by giving, where he is not permanent, one month's notice in writing to the—

(*i*) Executive Council, if he is a teacher or other member of the academic staff appointed by the University, or

(*ii*) Governing Body, if he is a teacher or other member of the academic staff appointed by a College or Institution, or

(*d*) by paying, where he is not permanent, to the University or to the College or Institution, as the case may be, one month's salary in lieu of such notice:

Provided that if the Executive Council or the Governing Body, as the case may be, so permits, the period of three months' notice or of one month's notice, as the case may be, may be reduced:

Provided further that such resignation shall take effect from the date on which it is accepted by the Executive Council or the Governing Body, as the case may be.

Procedure for the removal or dismissal of teachers, etc.

35S. (*1*) No teacher or other member of the academic staff appointed by the University or by any College or Institution shall be dismissed or removed from service or otherwise punished except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges; and where it is proposed, after such inquiry, to impose on him any such penalty, until he has been given a reasonable opportunity of making a representation in relation to the penalty proposed to be imposed but only on the basis of the evidence adduced during such inquiry.

(*2*) Every decision of the Governing Body of the College or Institution to dismiss or remove from service any teacher or other member of the academic staff shall, before it is communicated to such teacher or other member of the academic staff, be reported by the Governing Body to the Vice-Chancellor and no such decision shall be given effect to unless it has been approved by the Vice-Chancellor:

Provided that if the Vice-Chancellor does not communicate his approval within one month from the date of receipt of the report made to him by the Governing Body, he shall be presumed to have given his approval to the proposal made by the Governing Body:

Provided further that if the Governing Body is dissatisfied with the decision of the Vice-Chancellor, it may, within thirty days from the date of the decision of the Vice-Chancellor, prefer an appeal to the Executive Council against such decision and thereupon the Executive Council may confirm, modify, vary or reverse such order.

(3) Nothing contained in sub-section (2) shall apply to the removal or dismissal from service of a teacher or other member of the academic staff appointed by a minority College or Institution; but no order for the removal or dismissal from service of any teacher or other member of the academic staff appointed by a minority College or Institution shall be effective unless the Vice-Chancellor is satisfied that the procedure specified in sub-section (1) for the removal or dismissal from service of any teacher or other member of the academic staff has been followed by the Governing Body of the minority College or Institution in the case of the concerned teacher or other member of the academic staff.

TRIBUNAL OF ARBITRATION AND DISCIPLINARY CONTROL OF THE UNIVERSITY

Tribunal of Arbitration.

35T. (1) Any dispute arising out of a contract of employment referred to in section 35P, including non-compliance of the provisions of the Act, the Statutes and Ordinances shall, at the request of the employee, be referred to a Tribunal of Arbitration which shall consist of the following members, namely:—

(a) in the case of an employee of the University, one member nominated by the Executive Council, one member nominated by the employee concerned and one member (who shall act as Convenor) nominated by the Visitor;

(b) in the case of an employee of a College or an Institution, one member nominated by the Governing Body, one member nominated by the employee concerned and one member (who shall act as Convenor) nominated by the Vice-Chancellor:

Provided that, in the case of a minority College or Institution, the Convenor shall be selected jointly by the nominee of the Governing Body and the nominee of employee concerned and such selection shall be made out of a panel of five persons suggested by the Governing Body and approved by the Vice-Chancellor:

Provided further that, in the event of their disagreement or failure to appoint the Convenor within the time prescribed by the Statutes, the Vice-Chancellor shall nominate a Convenor out of the panel aforesaid.

(2) If, for any reason, a vacancy occurs in the office of a member of the Tribunal, the appropriate person or body concerned shall nominate another person in accordance with the provisions of sub-section (1) to fill the vacancy and the proceedings may be continued before the Tribunal from the stage at which the vacancy is filled.

(3) The decision of the Tribunal shall be final and binding on the parties.

(4) The Tribunal of Arbitration shall have the power—

(a) to regulate its own procedure;

(b) to order reinstatement of the employee concerned; and

(c) to award salary to the employee concerned, after deducting therefrom such income, not being income from property, as such employee might have derived during the period of his suspension or during the period intervening between the date on which he was removed or dismissed from service or, as the case may be, his service was terminated, and the date on which he is reinstated:

Provided that the income which could have been derived by the employee concerned shall not be taken into account if, at the time when the income was derived, he could have derived such income had he not been suspended or removed or dismissed from service or if his service had not been terminated.

(5) Nothing contained in any other law for the time being in force relating to arbitration shall apply to an arbitration under this section.

(6) No suit or proceeding shall lie in any court in respect of any matter which is required by sub-section (1) to be referred to the Tribunal of Arbitration.

Sections 35P to 35T not to apply to employees of Government Colleges or Institutions.

35U. Nothing contained in sections 35P to 35T (both inclusive) shall apply to any employee of any College or Institution established or maintained by Government.

Disciplinary control of the University.

35V. (1) Where any teacher or other employee of the University or of any College or Institution is entrusted by the University with any duties, such teacher or employee shall be subject to the disciplinary control of the University and the University shall be competent to take action for the breach of such duty or any offence committed in relation to the duties assigned to him.

(2) Where any teacher or other employee of the University or of any College or Institution is guilty of any misconduct within the precincts of the University or in connection with any examination conducted by the University, such teacher or other employee shall be under the disciplinary control of the University:

Provided that such disciplinary control, in relation to any teacher or employee of a College or Institution, shall be exercised in consultation with the Governing Body of such College or Institution.

(3) Where any teacher or other employee of the University commits any misconduct within the precincts of any College or Institution, it shall be lawful for the University to exercise disciplinary control over such teacher or employee.

(4) Where any student of the University or of any College or Institution commits any misconduct within the precincts of the University or of any College or Institution or commits any offence in relation to any examination conducted by the University, it shall be lawful for the University to take disciplinary action against such student.

(5) No disciplinary action referred to in this section shall be taken except after giving to the person concerned a reasonable opportunity of being heard and of showing cause against the proposed action.

(6) The power to take disciplinary action under this section shall include the power to impose penalties for any misconduct for which such disciplinary action is taken.

(7) The provisions of this section shall have effect notwithstanding anything contained in any other provision of this Act or in any other law for the time being in force or in any instrument, rules or regulations having effect by virtue of any law, other than this Act, for the time being in force.".

Amendment of section 38.

23. Section 38 of the principal Act shall be re-numbered as sub-section (1) of that section, and—

(i) in sub-section (1) as so re-numbered, the words "The Court may pass resolutions thereon and communicate the same to the Executive Council" shall be omitted;

(ii) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) The Court shall submit the annual report to the Visitor along with its comments, if any.".

Substitution of new section for section 39.

24. For section 39 of the principal Act, the following section shall be substituted, namely:—

Annual accounts.

"39. (1) The annual accounts and balance-sheet of the University shall be prepared under the directions of the Executive Council and shall once at least every year and at intervals of not more than fifteen months be audited by the Comptroller and Auditor-General of India or by such person or persons as he may authorise in this behalf.

(2) The annual accounts when audited shall be published in the Gazette of India and a copy of the accounts together with the audit report shall be submitted to the Court and the Visitor along with the observations of the Executive Council.

(3) Any observations made by the Visitor on the annual accounts shall be brought to the notice of the Court and the observations of the Court, if any, shall, after being considered by the Executive Council, be submitted to the Visitor.

(4) A copy of the accounts together with the audit report, as submitted to the Visitor, shall also be submitted to the Central Government which shall, as soon as may be, cause the same to be laid before both Houses of Parliament.".

Amendment of section 41.

25. In section 41 of the principal Act, for the word "Chancellor", the word "Visitor" shall be substituted.

26. After section 42 of the principal Act, the following sections shall be inserted, namely:— Insertion of new sections 42A and 42B.

"42A. (1) Every employee or student of the University, who is aggrieved by the decision of any officer or authority, other than the Executive Council, of the University, shall, notwithstanding any other provision of this Act or the Statutes or Ordinances, have the right to prefer an appeal against such decision, within such time as may be prescribed in this behalf by the Statutes, to the Executive Council, and thereupon the Executive Council may confirm, modify or reverse the decision appealed against. Right of appeal or review.

(2) An employee or student of the University aggrieved by a decision of the Executive Council and who, from the discovery of any new or important matter or evidence which, after exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decision was made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decision made against him, may apply, within such time as may be prescribed by the Statutes, for a review of such decision to the Executive Council and the Executive Council may, on such review, confirm, modify or reverse the decision.

(3) Every employee or student of a College or Institution shall, notwithstanding anything contained in this Act or in the Statutes and Ordinances, or the memorandum, rules and regulations of such College or Institution, have a right of appeal, within such time as may be prescribed by the Statutes, to the—

(a) Governing Body of the College or Institution if he is aggrieved by any decision or order of the Principal; or

(b) Executive Council if he is aggrieved by any decision or order of the Governing Body of the College or Institution,

and thereupon the Governing Body or the Executive Council, as the case may be, may confirm, modify or reverse the decision:

Provided that in the case of minority College or Institution, the appeal shall lie to the Governing Body only and the application for review, referred to in this section, shall also lie to the Governing Body of the College or Institution, as the case may be, and references in this section to the Executive Council shall, in relation to such minority College or Institution, be construed as references to the Governing Body thereof."

42B. (1) Any student or candidate for an examination whose name has been removed from the rolls of the University or of a College or Institution, by the orders of the Vice-Chancellor, and who has been debarred from appearing at such examination for two or more years, may, within ten days of receipt by him of such orders, prefer an appeal to the Executive Council and the Executive Council may, confirm, modify or reverse the decision of the Vice-Chancellor. Appeal in certain other cases.

(2) Any dispute arising out of any disciplinary action taken by the University or the Governing Body or the Principal of any Col-

lege or Institution against a student resulting in the removal of the name of such student from the rolls of the University or the College or Institution, as the case may be, for—

(*a*) two or more years, in the case of use of unfair means at the examination, or

(*b*) more than one year in any other case,

shall, at the request of the student, be referred to a Tribunal, to be called the Students' Tribunal, which shall consist of the following members, namely:—

(*i*) in the case of a student of the University, one member appointed by the Executive Council, one member nominated by the student concerned and an Umpire appointed by the Visitor;

(*ii*) in the case of a student of a College or Institution, one member nominated by the Governing Body, one member nominated by the student concerned and a Convenor nominated by the Vice-Chancellor:

Provided that, in the case of a minority College or Institution, the Convenor shall be selected by the nominee of the Governing Body and the nominee of the student concerned and such selection shall be made out of a panel of five persons suggested by the Governing Body and approved by the Vice-Chancellor:

Provided further that, in the event of their failure to appoint the Convenor within the time prescribed by the Statutes, the Vice-Chancellor shall nominate the Convenor out of the panel aforesaid

(3) The provisions of sub-sections (2) to (6) of section 35T shall apply to the Students' Tribunal, referred to in sub-section (2) as they apply to the Tribunal of Arbitration constituted under sub-section (1) of section 35T.".

Omission of section 45.

27. Section 45 of the principal Act shall be omitted.

Amendment of section 66.

28. In sub-section (1) of section 46 of the principal Act, for the words "officers, teachers, clerical staff and servants", the word "employees" shall be substituted.

Insertion of new sections 49, 50 and 51.

29. After section 48 of the principal Act, the following sections shall be inserted, namely:—

Protection of action taken in good faith.

"49. No suit or other legal proceeding shall lie against any officer or employee of the University for anything which is in good faith done or intended to be done in pursuance of any of the provision of this Act, the Statutes or Ordinances.

Mode of proof of University record.

50. A copy of any receipt, application, notice, order, proceeding or resolution of any authority or committee of the University, or other documents in possession of the University, or any entry in any register duly maintained by the University, if certified by the Registrar, shall be received as *prima facie* evidence of such receipt, application,

notice, order, proceeding or resolution, documents or the existence of entry in the register and shall, notwithstanding anything contained in the Indian Evidence Act, 1872, or in any other law for the time being in force, be admitted as evidence of the matters and transactions specified therein where the original thereof would, if produced, have been admissible in evidence.

1 of 1872.

Power to remove difficulties.

51. If any difficulty arises in giving effect to the provisions of this Act as amended by the Delhi University (Amendment) Act, 1975, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as so amended, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of three years from the commencement of the Delhi University (Amendment) Act, 1975".

Transitional provision.

30. Any authority or officer of the University discharging any functions under this Act immediately before the commencement of the Delhi University (Amendment) Act, 1975, shall continue to discharge such functions until the corresponding new authority or officer is constituted or appointed in accordance with the provisions of this Act as amended by the Delhi University (Amendment) Act, 1975, or the Statutes or Ordinances as adapted or modified under this Act as so amended.

Power of Visitor to make appointments in certain cases.

31. If any difficulty arises with respect to the establishment of any authority of the University or in connection with the first meeting of any authority of the University, the Visitor may, in consultation with the Vice-Chancellor, by order, make any appointment or do anything which appears to him necessary or expedient for the proper establishment of that authority of the University or for the first meeting of that authority of the University.

Savings.

32. Anything done, any action taken or any degree or other academic distinction conferred by the University before the commencement of the Delhi University (Amendment) Act, 1975, shall, notwithstanding any change made, by this Act as amended by the Delhi University (Amendment) Act, 1975, in the constitution of the Court, Executive Council or any other authority of the University, be valid as if such thing were done, action were taken or degree or other academic distinction were conferred under the provisions of this Act as amended by the Delhi University (Amendment) Act, 1975.

Temporary provisions for amendment of Statutes.

33. The Central Government may, by notification, make such adaptations and modifications in the Statutes in force immediately before the commencement of the Delhi University (Amendment) Act, 1975, as, in its opinion, may be necessary or expedient to bring the provisions of the Statutes into accord with the provisions of this Act as amended by the Delhi University (Amendment) Act, 1975:

Provided that nothing in this section shall be deemed to empower the Central Government to make any adaptation or modification in any such Statutes after the expiration of one year from the date on which the Delhi University (Amendment) Act, 1975, is brought into force by the Central Government under sub-section (2) of section 1 of that Act

STATEMENT OF OBJECTS AND REASONS

For some time past, persistent demands have been made both in and outside Parliament for the amendment of the Delhi University Act, 1922, to provide for statutory protection of the conditions of service of teachers appointed by the University as also of the teachers appointed by the Colleges and Institutions admitted to the privileges of the University. Demand has also been made to provide for the taking over, for a limited period, of the management of the mismanaged non-Government Colleges and Institutions admitted to the privileges of the University. The said proposal has been supported by the authorities of the University. The Bill seeks to give effect to the said demands. Opportunity has also been taken to amend the Act in the light of the recommendations made by the Gajendragadkar Committee on the governance of Universities.

2. The main provisions of the Bill relate to—

(a) the terms and conditions of service of teachers appointed by the University as also of teachers appointed by the Colleges and Institutions admitted to the privileges of the University;

(b) the conferment of power on the University to make special provisions for admission to the University of the students of the weaker sections of the people and, in particular, of the Scheduled Castes and Scheduled Tribes;

(c) the conferment on the University of disciplinary control over the teachers, other employees and students of the University as also of Colleges and Institutions admitted to the privileges of the University;

(d) the constitution of a Tribunal of Arbitration; and

(e) the taking over, for a limited period, of the management of mismanaged non-Government Colleges or Institutions admitted to the privileges of the University. These provisions will not, however, apply to Colleges and Institutions covered by Article 30(1) of the Constitution.

NEW DELHI;
The 15th February, 1975.

S. NURUL HASAN.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 of the Bill, which seeks to substitute a new section for section 28 of the principal Act, empowers the Executive Council to make Statutes. The matters in respect of which such Statutes may be made include matters relating to the constitution, powers and functions of the authorities, and other bodies, of the University, the terms and conditions of service of teachers and other members of the academic staff and other employees appointed by the University or by any College or Institution admitted to the privileges of the University, the procedure for the settlement of disputes between employees and the University or between students of the University and the University and the maintenance of discipline amongst the students of the University, Colleges and Institutions.

Clause 18 of the Bill, which seeks to amend section 30 of the principal Act, empowers the Executive Council to make Ordinances. The matters in respect of which Ordinances may be made include matters relating to the appointment, emoluments and other terms and conditions of the employees of the University and employees of Colleges and Institutions other than those prescribed by the Statutes, the terms and conditions of approval of the institutions of higher learning and its withdrawal.

The matters in relation to which such Statutes or Ordinances may be made are matters of procedure or detail. The delegation of the legislative power is, therefore, of a normal character.

B. N. BANERJEE,
Secretary-General.

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